

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARVIN BERNSTEIN, Director,
Mental Hygiene Legal Service,
First Judicial Department, and
MICHAEL B., EUGENE C., and
EDDIE L., patients at Kirby Forensic
Psychiatric Facility, on behalf of themselves
and on behalf of all others
similarly situated,

Plaintiffs,

-v.-

GEORGE E. PATAKI, in his official capacity as
Governor of the State of New York,
SHARON CARPINELLO, in her official capacity
as Commissioner of the
New York State Office of Mental Health,
and EILEEN CONSILVIO,
in her official capacity as Director of Kirby
Forensic Psychiatric Facility,

Defendants.
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NOTICE OF APPEAL

05 Civ. 1322 (GEL)(THK)

NOTICE IS HEREBY GIVEN that all Plaintiffs in the above-named case hereby appeal to the United States Court of Appeals for the Second Circuit from each and every part of the order dated December 13, 2005 and entered on the docket on December 19, 2005, which granted Defendants' motion to dismiss their action for failure to state a claim upon which relief could be granted and denied Plaintiffs' class certification motion as moot; and from the judgment entered in this action on December 23, 2005.

Dated: New York, New York
January 12, 2006

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S/
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